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Attorneys for Plaintiff
CTIA – The Wireless Association®

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CTIA - THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO, CALIFORNIA,

Defendant.

Case No. 3:10-cv-03224 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING FURTHER STAY
AND BRIEFING**

RECITALS

1
2 1. The Parties have worked in good faith to develop expedited case management
3 schedules for the adjudication of this case.

4 2. To that end, the Court adopted on December 21, 2010, a stipulated schedule that
5 established timelines for expert disclosures, depositions, and briefing. Doc. 25. In December and
6 January, the parties expended significant resources conducting expert discovery. CTIA's expert
7 reports were produced and the City deposed those experts.

8 3. In late January, the City informed CTIA that it intended to make substantive
9 revisions to the disclosures required by the Ordinance and the accompanying Regulations that
10 could impact the issues presented in this litigation. The City further advised CTIA that it believed
11 these revisions would be in place by no later than March 15, although neither the timing of the
12 revisions nor the exact nature of the revisions were certain. Given these potential changes, the
13 parties determined that it would not serve the interests of the parties or the Court to proceed with
14 the briefing schedule then in place.

15 4. On February 3, 2011, the parties informed the Court of these developments and
16 (1) stipulated that the then-existing briefing schedule be vacated and (2) agreed to a temporary
17 stay of enforcement of the Ordinance and the accompanying Regulations until June 15, 2011.
18 The Court approved the parties' stipulation and agreement on February 3. Doc. 44. That
19 stipulation provided that the parties would discuss in good faith any need to further delay
20 enforcement should the revised requirements become effective after March 15, 2011. *Id.*

21 5. Thereafter, on April 26, 2011, the City notified CTIA by letter that the City was
22 extending the stay of enforcement of the Ordinance and Regulations until further notice. The
23 City stated that the stay was intended to allow the Board of Supervisors to consider potential
24 changes to the Ordinance, and to afford the retailers an opportunity to adjust to any new
25 requirements before having to comply.

26 6. On May 17, 2011, a proposed amended Ordinance was introduced before the
27 Board of Supervisors and referred to the Board's Public Safety Committee. The proposed
28 amendment would modify the Ordinance's disclosure requirements, direct the Department of the

1 Environment to adopt new implementing regulations, and require that retailers comply within 15
2 days of adoption with certain of the regulations and within 30 days for the remaining regulations.

3 7. Given the stay of enforcement and the proposed amendment, the parties agree that
4 motion practice in this case should be deferred pending enactment of any amendments and/or
5 adoption of the new regulations. The parties will meet and confer regarding a briefing schedule
6 to be proposed to the Court once any amendments are enacted or new regulations adopted.

7 8. Because of the shortness of the compliance deadlines in the proposed amended
8 Ordinance, CTIA anticipates that it may request preliminary injunctive relief from the Court
9 should the deadlines be enacted as proposed.

10 9. The parties propose that the case management conference currently set for June 16,
11 2011 be continued to a date convenient to the Court, at which time the parties can inform the
12 Court of the City's progress toward enacting any amendments or new regulations. Given the
13 anticipated timetable for the City's consideration of the proposed amendments, the parties
14 respectfully suggest September or October of this year as an appropriate time for such a
15 conference.

16 STIPULATION

17 The parties accordingly stipulate as follows:

18 1. The City agrees and stipulates to extend the stay of any enforcement of the
19 existing Ordinance and Regulations until further notice.

20 2. Motion practice in this case shall be deferred pending enactment of amendments to
21 the Ordinance and/or adoption of new implementing regulations.

22 3. The parties will meet and confer regarding a briefing schedule to be proposed to
23 the Court once amendments are enacted or new regulations adopted.

24 4. The case management conference ~~currently scheduled for June 16, 2011~~ be
25 is set for continued to October 6, 2011, at 11:00 AM.

1 Dated: June 7, 2011

JONES DAY

2 By: /s/ Craig E. Stewart

3 Craig E. Stewart

4 Attorneys for Plaintiff

5 CTIA – The Wireless Association®

6 Dated: June 7, 2011

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City Attorney

7 WAYNE SNODGRASS, State Bar #148137

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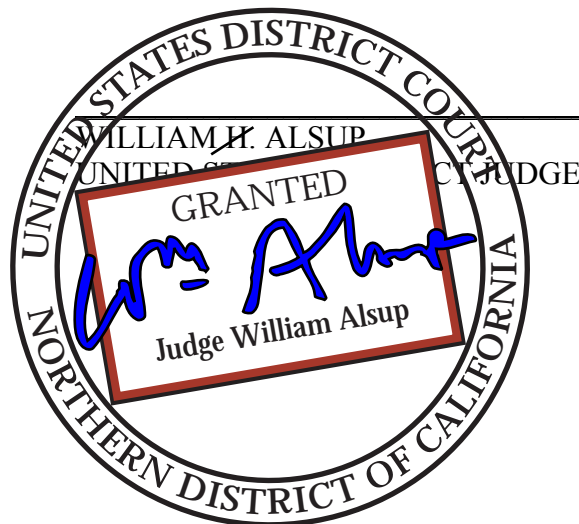
14 Vince Chhabria

15 Attorneys for Defendant

16 The City And County Of San Francisco,
California

17 IT IS SO ORDERED.

18 Dated: June 16, 2011. _____



SFI-699619v1

1 Dated: June 7, 2011

JONES DAY

2 By: /s/ Craig E. Stewart

3 Craig E. Stewart

4 Attorneys for Plaintiff

5 CTIA – The Wireless Association®

6 Dated: June 7, 2011

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13 By:

Vince Chhabria / CBS
Vince Chhabria

14 Attorneys for Defendant

15 The City And County Of San Francisco,
16 California

17 IT IS SO ORDERED.

18 Dated: _____
19

20 WILLIAM H. ALSUP
21 UNITED STATES DISTRICT JUDGE

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25 SFI-699619v1
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